

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-24 E
)	
BARRY WAYNE LEWIS)	

MOTION TO ENLARGE TIME FOR FILING NOTICE OF APPEAL

AND NOW comes Barry Wayne Lewis, by and through his counsel, the Office of the Federal Public Defender for the Western District of Pennsylvania, and respectfully files this Motion to Enlarge Time for Filing Notice of Appeal. In support thereof, counsel states:

1. On September 14, 2007, Mr. Lewis was sentenced to 57 months imprisonment and three years supervised release as a result of his conviction under 18 U.S.C. §§ 922(g)(1) and 924(e); possession of a firearm by a convicted felon.

2. This Court entered Mr. Lewis' judgment of sentence on the dockets on September 18, 2007. The last day to file a notice of appeal is October 2, 2007. See Fed.R.App.Pro. 4(b)(1)(A)(i).

3. The Office of the Federal Public Defender has attempted to confer with Mr. Lewis regarding whether to appeal his conviction and sentence. Mr. Lewis has been moved from the Erie County Prison to the Northeast Ohio Correctional Center in

Youngstown, Ohio. Despite due diligence, the Office of the Federal Public Defender has not had the opportunity to fully discuss this matter with Mr. Lewis and does not believe that this issue will be resolved before the expiration of the notice of appeal deadline.

4. Counsel therefore requests a 30-day extension of time on the notice of appeal deadline. See Fed.R.App.Pro. 4(b)(4).

5. Counsel believes that the extension of this deadline would promote the interests of justice and judicial economy. Withdrawal of an appeal after the filing of a notice of appeal is sometimes a difficult undertaking. As a result, "good cause" exists for an extension of the notice of appeal deadline. See Fed.R.App.Pro. 4(b)(4).

6. A 30-day extension would make the notice of appeal due on or before November 1, 2007.

WHEREFORE, Barry Wayne Lewis respectfully moves the Court to enlarge the time for filing a notice of appeal until November 1, 2007.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton
Assistant Federal Public Defender
PA ID #88653